

HOUSE AMENDMENT NO.\_\_\_\_  
TO  
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Offered By

AMEND House Amendment No.\_\_\_\_ to House Committee Substitute for Senate Bill No. 51, Page 1, Line 4, by deleting all of said line and inserting in lieu thereof the following:

"34.040. 1. All purchases in excess of three thousand dollars shall be based on competitive bids, except as otherwise provided in this chapter.

2. On any purchase where the estimated expenditure shall be twenty-five thousand dollars or over, except as provided in subsection 5 of this section, the commissioner of administration shall:

(1) Advertise for bids in at least two daily newspapers of general circulation in such places as are most likely to reach prospective bidders and may advertise in at least two weekly minority newspapers and may provide such information through an electronic medium available to the general public at least five days before bids for such purchases are to be opened. Other methods of advertisement, which may include minority business purchase councils, however, may be adopted by the commissioner of administration when such other methods are deemed more advantageous for the supplies to be purchased;

(2) Post a notice of the proposed purchase in his or her office; and

(3) Solicit bids by mail or other reasonable method generally available to the public from prospective suppliers. All bids for such supplies shall be mailed or delivered to the office of the commissioner of administration so as to reach such office before the time set for opening bids.

3. The contract shall be let to the lowest and best bidder. The commissioner of administration shall have the right to reject any or all bids and advertise for new bids, or purchase the required supplies on the open market if they can be so purchased at a better price. When bids received pursuant to this section are unreasonable or unacceptable as to terms and conditions, noncompetitive, or the low bid exceeds available funds and it is determined in writing by the commissioner of administration that time or other circumstances will not permit the delay required to resolicit competitive bids, a contract may be negotiated pursuant to this section, provided that each responsible bidder who submitted such bid under the original solicitation is notified of the determination and is given a reasonable opportunity to modify their bid and submit a best and final bid to the state. In cases where the bids received are noncompetitive or the low bid exceeds available funds, the negotiated price shall be lower than the lowest rejected bid of any responsible bidder under the original solicitation.

4. The director of the department of revenue shall follow bidding procedures pursuant to this section and may promulgate rules necessary to establish such procedures. No points shall be awarded on a request for proposal for a contract license office to a bidder for a return-to-the-state provision offer.

5. All bids shall be based on standard specifications wherever such specifications have been approved by the commissioner of administration. The commissioner of administration shall make

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

1 rules governing the delivery, inspection, storage and distribution of all supplies so purchased and  
 2 governing the manner in which all claims for supplies delivered shall be submitted, examined,  
 3 approved and paid. The commissioner shall determine the amount of bond or deposit and the  
 4 character thereof which shall accompany bids or contracts.

5 [5] 6. The department of natural resources may, without the approval of the commissioner of  
 6 administration required pursuant to this section, enter into contracts of up to five hundred thousand  
 7 dollars to abate illegal waste tire sites pursuant to section 260.276 when the director of the  
 8 department determines that urgent action is needed to protect public health, safety, natural resources  
 9 or the environment. The department shall follow bidding procedures pursuant to this section and  
 10 may promulgate rules necessary to establish such procedures. Any rule or portion of a rule, as that  
 11 term is defined in section 536.010, that is created under the authority delegated in this section shall  
 12 become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if  
 13 applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers  
 14 vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to  
 15 disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking  
 16 authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void.

17 [6] 7. The commissioner of administration and other agencies to which the state purchasing  
 18 law applies shall not contract for goods or services with a vendor if the vendor or an affiliate of the  
 19 vendor makes sales at retail of tangible personal property or for the purpose of storage, use, or  
 20 consumption in this state but fails to collect and properly pay the tax as provided in chapter 144. For  
 21 the purposes of this section, "affiliate of the vendor" shall mean any person or entity that is  
 22 controlled by or is under common control with the vendor, whether through stock ownership or  
 23 otherwise.

24 136.055. 1. Any person who is selected or appointed by the state director of revenue as"; and  
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26 Further amend said amendment, Page 2, Line 8, by deleting all of said line and inserting in lieu  
 27 thereof the following:

28 7. The department shall reimburse reasonable costs incurred associated with the transactions  
 29 required in a contract license office.

30 8. Notwithstanding any other provision of law to the contrary, the state auditor may audit  
 31 all"; and  
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33 Further amend said bill by amending the title, enacting clause, and intersectional references  
 34 accordingly.  
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